

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

C.A. No. 05-292 (JJF)

Defendants.

9:07 A.M.

Lindsay Pinkham, CSR 3716, RPR, CRP, CRR

(202) 232-0646

## LEE, MIKE 2006-06-23

Lee, Mike Merged PA DC

2 No 5019002?  
3 A. Yes  
4 Q. So Tatung America first learned of the '002  
5 patent on or about May 13, 2005; correct?  
6 A. That's correct  
7 Q. Which is around the time that LPL filed its  
8 complaint in this case; correct?  
9 A. That's correct.  
10 Q. Has Tatung America had any communications with  
11 LPL concerning the '002 patent?  
12 A. No.  
13 Q. Since the time that Tatung America learned of  
14 the '002 patent, has Tatung America made any effort to  
15 make sure that Tatung America is not selling products  
16 that infringe the '002 patent?  
17 A. We took the complaints very seriously, so we  
18 consult with Tatung Taipei and retain our attorney for  
19 this case  
20 Q. Has Tatung America relied on its attorneys  
21 to -- well, let me ask you this way. Other than any  
22 advice from attorneys, has Tatung America done anything  
23 to insure that it is not infringing the '002 patent?  
24 A. Yes. through Tatung Taipei we get a message  
25 from CPT through Tatung Taipei there's no patent  
161: 1 infringement on this case  
2 MS. FAN: The witness -- to preserve  
3 attorney-client privilege, the witness is instructed not  
4 to answer about the substance of communications made  
5 with attorneys or with legal departments  
6 THE WITNESS: This is the communication between  
7 Tatung UA and Tatung Taipei.  
8 Q. BY MR. CHRISTENSON: And that's not a  
9 communication involving attorneys; correct?  
10 MS. FAN: Or legal departments. The witness is  
11 instructed.  
12 Q. BY MR. CHRISTENSON: What type of communication  
13 did Tatung America have with Tatung Taipei concerning  
14 whether products infringed the '002 patent?  
15 MS. FAN: The witness may only answer with  
16 respect to communications that are outside of the legal  
17 department of Tatung Taipei. If it's a communication  
18 with the legal department or with attorneys of Tatung  
19 Taipei, then the witness is instructed not to answer  
20 Q. BY MR. CHRISTENSON: Earlier, Mr. Lee, you  
21 referred to communications between Tatung America and  
22 Tatung Taipei; correct?  
23 A. Tatung Taipei's legal department.  
24 MR. CHRISTENSON: So are you instructing him  
25 not to answer to that question?  
162: 1 MS. FAN: I'm sorry. Which question? I don't  
2 know which question you're referring to  
3 Q. BY MR. CHRISTENSON: What type of communication  
4 did Tatung America have with Tatung Taipei concerning  
5 whether products infringed the '002 patent?  
6 MS. FAN: Yes. I instruct the witness not to  
7 answer based on attorney-client communication, work  
8 product, and also joint defense privilege  
9 Q. BY MR. CHRISTENSON: Will you follow that  
10 instruction?  
11 A. Yes. I have to follow that.  
12 Q. Other than anything done by attorneys or legal  
13 departments, has Tatung America had any communication  
14 concerning whether its products infringe the '002  
15 patent?  
16 A. No.  
17 Q. Other than anything done by attorneys or legal  
18 departments, has Tatung America done any analysis  
19 concerning whether products infringe the '002 patent?  
20 MS. FAN: The witness is instructed to answer  
21 yes or no.  
22 THE WITNESS: No.  
23 Q. BY MR. CHRISTENSON: Other than anything done  
24 by attorneys or legal departments, has Tatung America  
25 done any investigation regarding whether products  
163: 1 infringe the '002 patent?  
2 MS. FAN: The witness is instructed to answer  
3 "yes" or "no."  
4 A. No.  
5 Q. BY MR. CHRISTENSON: Other than anything done  
6 by attorneys or legal departments, has Tatung America  
7 done any analysis or investigation regarding the  
8 validity of any claims in the '002 patent?  
9 MS. FAN: The witness is instructed to answer  
10 yes or no.  
11 THE WITNESS: No.  
12 Q. BY MR. CHRISTENSON: Other than anything done  
13 by attorneys or legal departments, has Tatung America  
14 done any analysis or investigation regarding the  
15 enforceability of the '002 patent?  
16 MS. FAN: The witness is instructed to answer  
17 yes or no  
18 THE WITNESS: No.  
19 Q. BY MR. CHRISTENSON: Since Tatung America  
20 learned of the '002 patent, has Tatung America continued  
21 to use CPT modules in some of the products that Tatung  
22 America sells in the U.S?  
23 A. Yes.  
24 Q. Has Tatung America asked CPT to change the way  
25 that CPT makes any of the modules that it supplies for  
164: 1 Tatung America's products since the time that Tatung  
2 America learned of the '002 patent?  
3 A. No.  
4 MR. CHRISTENSON: Counsel, can I assume that  
5 Tatung America is standing on attorney-client privilege  
6 and not relying on advice of counsel for part of its  
7 defense in this case?  
8 MS. FAN: That's correct as of this date.  
9 MR. CHRISTENSON: Well, this is the date that  
10 we're deposing Tatung America, so if Tatung America  
11 plans to waive advice of counsel -- excuse me -- if  
12 Tatung America plans to rely on advice of counsel and  
13 waive the privilege, I need to know that now.  
14 MS. FAN: Right now Tatung America has no  
15 plans, right now

5/23/2006

L.G. Phillips LCD v. Tatung Co. of America et al  
Confidential-Attorneys' Eyes Only

Belle Chang

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LG. PHILIPS LCD CO., LTD., )  
 )  
Plaintiff, )  
 )  
 )  
vs. ) No. CA-05-292 (JJF)  
 )  
TATUNG COMPANY; TATUNG COMPANY OF )  
AMERICA, INC., CHUNGHWA PICTURE )  
TUBES, LTD.; and VIEWSONIC )  
CORPORATION, )  
 )  
Defendants. )

CONFIDENTIAL - ATTORNEYS EYES ONLY

RULE 30 (b) (6) DEPOSITION OF CHUNGHWA PICTURE TUBES

BELLE CHANG

TUESDAY, MAY 23, 2006

9:17 A.M.

Reported By:

Dave Stewart, CSR 4543

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DIGITAL EVIDENCE GROUP

1111 16th Street, NW Suite 410

Washington, DC 20036

(202) 232-0646

5/23/2006

L.G. Phillips LCD v. Tatung Co. of America et al  
Confidential-Attorneys' Eyes Only

Belle Chang

<p>1 for identification )</p> <p>2 THE VIDEOGRAPHER: We're back on the record,</p> <p>3 the time is 4:25</p> <p>4 BY MR. CHRISTENSON:</p> <p>5 Q After CPT received LPL's February 2002 letter,</p> <p>6 did CPT take any steps to determine whether any of its</p> <p>7 products were manufactured in a way that infringed the</p> <p>8 002 Patent?</p> <p>9 MR. YOVITS: Objection, the question seeks</p> <p>10 privileged information and I instruct the witness not to</p> <p>11 answer that.</p> <p>12 BY MR. CHRISTENSON:</p> <p>13 Q Other than communicating with any attorneys,</p> <p>14 did CPT do anything after receiving the February 8,</p> <p>15 2002 letter to determine whether its products were</p> <p>16 manufactured in a way that infringed any claim in the 002</p> <p>17 Patent?</p> <p>18 MR. YOVITS: Objection, the question seeks</p> <p>19 privileged information and I instruct the witness not to</p> <p>20 answer it.</p> <p>21 MR. CHRISTENSON: So the record is clear, what</p> <p>22 is the basis of the instruction? Is it attorney-client</p> <p>23 privilege?</p> <p>24 MR. YOVITS: The attorney-client privilege.</p> <p>25 Probably also work product</p> <p style="text-align: right;">Page 102</p>	<p>1 A Yes, I will follow my attorney's instruction</p> <p>2 MR. CHRISTENSON: Mr. Yovits, the problem that</p> <p>3 we have now is that we cannot assess CPT's conduct after</p> <p>4 learning of the patent suit, which is prejudicial and</p> <p>5 which will prevent us from addressing the issue of</p> <p>6 willfulness in this case</p> <p>7 So if you continue to refuse to allow the</p> <p>8 witness to answer these questions, we will have to seek</p> <p>9 appropriate relief from the Court on this issue:</p> <p>10 MR. YOVITS: To this point, Defendants have not</p> <p>11 elected to waive any privilege, in defense of any</p> <p>12 allegations of willful infringement. So we're just not</p> <p>13 prepared to waive the privilege at this point.</p> <p>14 MR. CHRISTENSON: I think the problem that we</p> <p>15 have is you're instructing the witness not to answer</p> <p>16 questions when I'm not asking about advice of counsel.</p> <p>17 Do you continue to -- do you intend to continue</p> <p>18 to do so?</p> <p>19 MR. YOVITS: I believe that your questions are</p> <p>20 designed to get at instructions from the Legal Department</p> <p>21 and that is why I'm instructing not to answer. Those</p> <p>22 questions seek privileged information. And I will stand</p> <p>23 on those objections.</p> <p>24 MR. CHRISTENSON: I guess we'll have to a</p> <p>25 address it with the Court.</p> <p style="text-align: right;">Page 104</p>
<p>1 MR. CHRISTENSON: We disagree but --</p> <p>2 Q Miss Chang, will you follow your attorney's</p> <p>3 instruction and refuse to answer that question?</p> <p>4 A Yes, I will follow my attorney's instruction.</p> <p>5 MR. CHRISTENSON: Mr. Yovits, it's my intention</p> <p>6 to ask the witness questions to determine what, if</p> <p>7 anything, CPT may have done to avoid willfully infringing</p> <p>8 the 002 Patent. Do I understand that it is your</p> <p>9 intention to instruct the witness not to answer those</p> <p>10 questions on grounds of privilege?</p> <p>11 MR. YOVITS: My intention is to instruct the</p> <p>12 witness not to answer questions regarding confidential</p> <p>13 communications with the Legal Department and regarding</p> <p>14 instructions given by the Legal Department</p> <p>15 BY MR. CHRISTENSON:</p> <p>16 Q Miss Chang, other than confidential</p> <p>17 communications with the Legal Department and instructions</p> <p>18 by the Legal Department, did CPT do anything to insure</p> <p>19 that it was not willfully infringing the 002 Patent after</p> <p>20 receiving the February 8, 2002 letter?</p> <p>21 MR. YOVITS: Objection, calls for privileged</p> <p>22 information, instruct the witness not to answer</p> <p>23 BY MR. CHRISTENSON:</p> <p>24 Q Miss Chang, will you follow Counsel's</p> <p>25 instruction and decline to answer that question?</p> <p style="text-align: right;">Page 103</p>	<p>1 Q Miss Chang, did CPT obtain any advice of</p> <p>2 counsel concerning the 002 Patent after it received the</p> <p>3 February 8, 2002 letter?</p> <p>4 MR. YOVITS: The witness may answer "yes" or</p> <p>5 "no".</p> <p>6 THE WITNESS: Not after the letter dated in</p> <p>7 February of 2002.</p> <p>8 BY MR. CHRISTENSON:</p> <p>9 Q Apart from working with -- strike that</p> <p>10 <u>Independent of any advice of counsel, did CPT</u></p> <p>11 <u>internally conduct any investigation of its products</u></p> <p>12 <u>related to the 002 Patent after receiving the February 8,</u></p> <p>13 <u>2002 letter?</u></p> <p>14 MR. YOVITS: The witness may respond as to</p> <p>15 whether or not there was anything done independently of</p> <p>16 the Legal Department. Without instructions from the</p> <p>17 Legal Department.</p> <p>18 THE WITNESS: Other than the instruction from</p> <p>19 the Legal Department, no.</p> <p>20 BY MR. CHRISTENSON:</p> <p>21 Q What did CPT do internally at the instruction</p> <p>22 of counsel after receiving the February 8, 2002 letter?</p> <p>23 MR. YOVITS: Objection, the question seeks</p> <p>24 privileged information and I instruct the witness not to</p> <p>25 answer it.</p> <p style="text-align: right;">Page 105</p>

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